

#### STATE OF NORTH DAKOTA

## **PUBLIC SERVICE COMMISSION**

#### AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

Case No. PU-405-00-104 Absaraka Co-op Tele. Co. **BEK Communications I Inc.** Case No. PU-1680-99-491 **BEK Communications** Case No. PU-418-99-490 Case No. PU-2013-99-496 Consolidated Telecom, Inc. **Consolidated Telephone Co-operative** Case No. PU-419-99-504 Case No. PU-1683-99-502 Dakota Central Telecom I, Inc. Case No. PU-1682-99-495 **Dakota Central Telecommunications Cooperative** Case No. PU-1576-99-500 Dickey Rural Communications, Inc. **Dickey Rural Telephone Cooperative** Case No. PU-421-99-501 Inter-Community Telephone Case No. PU-449-99-499 Inter-Community Telephone II, L.L.C. Case No. PU-1685-99-498 North Dakota Telephone Company Case No. PU-1264-99-497 **Northwest Communications Cooperative** Case No. PU-425-99-503 **Polar Communications Mutual Aid Corporation** Case No. PU-426-99-481 Case No. PU-427-99-492 **Reservation Telephone Cooperative Turtle Mountain Communications, Inc.** Case No. PU-1686-99-494 Case No. PU-431-99-493 **United Telephone Mut Aid Corp** West River Communications, Inc. Case No. PU-1540-99-473 Case No. PU-432-99-472 West River Telecommunications Cooperative

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH

#### Paula Kent deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **18th day of May, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **16** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

## **Notice of Intent to Close Proceeding**

The envelopes were addressed as follows:

James E Howard Jr John Staurulakis Incorporated Eagandale Corporate Ctr Ste 310 1380 Corporate Ctr Dr Eagan MN 55121 Cert. No. 7006 0100 0003 7161 4563 John Coleman Olson-Thielen & Co Ltd 223 Little Canada Rd St Paul MN 55117-1376

Cert. No. 7006 0100 0003 7161 4570

19 PU-405-00-104

Pages: 4

Mark Scallon Dickey Rural Telephone Coop Dickey Rural Communications Inc P O Box 69 Ellendale ND 58436-0069 Cert. No. 7006 0100 0003 7161 4587

Royce Aslakson Reservation Telephone Cooperative P O Box 68 Parshall ND 58770-0068

#### Cert. No. 7006 0100 0003 7161 4600

Kenneth Lund Jr Northwest Communications Coop P O Box 38 Ray ND 58849-0038

#### Cert. No. 7006 0100 0003 7161 4624

Paul Schuetzler Consolidated Telecom Inc Consolidated Telephone Coop P O Box 1408 Dickinson ND 58602-1408

#### Cert. No. 7006 0100 0003 7161 4648

David Dunning
Polar Communications Mut Aid Corp
P O Box 270
Park River ND 58270-0270

# Cert. No. 7006 0100 0003 7161 2996

Keith Anderson Inter-Community Telephone Company Inter-Community Telephone Company II P O Box 8 Nome ND 58062-0008 Cert. No. 7006 0100 0003 7161 3016 Donald A Negaard Pringle & Herigstad, PC PO Box 1000 Minot ND 58702

## Cert. No. 7006 0100 0003 7161 4594

Jerome Tishmack BEK Communications I Inc BEK Communications Coop P O Box 230 Steele ND 58482-0230

#### Cert. No. 7006 0100 0003 7161 4617

Mick Grosz
West River Communications Inc
West River Telecommunications Coop
P O Box 467
Hazen ND 58545-0467
Cert. No. 7006 0100 0003 7161 4631

Keith A Larson Dakota Central Telecom I Inc Dakota Central Telecomm Coop P O Box 299 Carrington ND 58421-0299

#### Cert. No. 7006 0100 0003 7161 4655

Kenneth Carlson United Telephone Mut Aid Corp Turtle Mountain Communications Inc P O Box 729 Langdon ND 58279-0729 Cert. No. 7006 0100 0003 7161 3009

Dave Dircks North Dakota Telephone Company P O Box 180 Devils Lake ND 58301-0180

Cert. No. 7006 0100 0003 7161 3023

Jason Topp Qwest Services Corporation 200 S 5<sup>th</sup> St, Rm 2200 Minneapolis MN 55402 Cert. No. 7006 0100 0003 7161 3030 Ann Faught Absaraka Co-op-Tele. Co. 2894 146 Ave SE Absaraka ND 58002 Cert No. 7006 0100 0003 7161 3047

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me this 18th day of May, 2007.

SEAL

Notary Public

Paula Kent

CHARLENE A MAGSTADI Notary Public State of North Dakota My Commission Expires Jan 7, 2010

#### STATE OF NORTH DAKOTA

## **PUBLIC SERVICE COMMISSION**

Absaraka Co-op Tele. Co.	Case No. PU-405-00-104
BEK Communications I Inc.	Case No. PU-1680-99-491
BEK Communications	Case No. PU-418-99-490
Consolidated Telecom, Inc.	Case No. PU-2013-99-496
Consolidated Telephone Co-operative	Case No. PU-419-99-504
Dakota Central Telecom I, Inc.	Case No. PU-1683-99-502
Dakota Central Telecommunications Cooperative	Case No. PU-1682-99-495
Dickey Rural Communications, Inc.	Case No. PU-1576-99-500
Dickey Rural Telephone Cooperative	Case No. PU-421-99-501
Inter-Community Telephone	Case No. PU-449-99-499
Inter-Community Telephone II, L.L.C.	Case No. PU-1685-99-498
North Dakota Telephone Co.	Case No. PU-1264-99-497
Northwest Communications Cooperative	Case No. PU-425-99-503
Polar Communications Mutual Aid Corporation	Case No. PU-426-99-481
Reservation Telephone Cooperative	Case No. PU-427-99-492
<b>Turtle Mountain Communications, Inc.</b>	Case No. PU-1686-99-494
United Telephone Mutual Aid Corp	Case No. PU-431-99-493
West River Communications, Inc.	Case No. PU-1540-99-473
West River Telecommunications Cooperative	Case No. PU-432-99-472

## AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA **COUNTY OF BURLEIGH** 

## Paula Kent deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 18th day of May, 2007, she deposited in the United States Mail, Bismarck, North Dakota, 237 envelopes by first class mail, fully prepaid, securely sealed, and/or e-mailed a copy of:

## **Notice of Intent to Close Proceeding**

To:

#### See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me this 18th day of May, 2007.

CHARLENE A MAGSTADT Notary Public
State of North Dakota
My Commission Expires Jan 7, 2010

**SEAL** 

1 Plus Savings Inc 36072 Jefferson Ave Harrison Township MI 48045 Jenniter Sikes 1-800 Reconex 2500 Industrial Ave Hubbard OR 97032

Patrick Summers 360NETWORKS (USA) INC. 867 COAL CREEK CIRCLE SUITE 160 LOUISVILLE CO 80027

3U Telecom Inc 1802 N Carson St Ste 212-2683 Carson City NV 89701

800 Response Intormation Services LLC 200 Church St Burlington VT 05402 Access Point Inc 1100 Crescent Green Ste 10 9 Cary NC 27511

Accessline Communications Corporation 11201 SE 8th St Ste 200 Bellevue WA 98004 ACCXX Communications LLC 4035 Tampa Rd Ste 6000 Oldsmar FL 34677

Acomm Inc 5701 Shingle Crk Pkwy Ste 550 Brooklyn Center MN 55430-2467 Affinity Network Incorporated 4380 Boulder Hwy Las Vegas NV 89121

Airespring Inc 6060 Sepulveda Blvd Ste 220 Van Nuys CA 91411-2512 Airnex Communications Inc 3000 Executive Pkwy Ste 230 San Ramon CA 94583

Alliance Group Services Inc 1221 Post Rd E Westport CT 06880-5430 JESS DIPASQUALE ALLIANCE GROUP SERVICES, INC. 1221 POST ROAD E WESTPORT CT 06880

All-Star Acquisition Corporation 7361 Calhoun Pl Ste 650 Derwood MD 20855-2775 Alltel Communications Inc 1 Allied Dr Little Rock AR 72202

Alternate Communications Technology Inc 1398 N Shadeland Ave Ste 2233 Indianapolis IN 46219 Americate Corporation 4045 NW 97th Ave Miami FL 33178

Kelly Franks Amerivision Communications Inc 201 NW 63rd St Ste 200 Oklahoma City OK 73116

Arch Communications Enterprises LLC 6910 Richmond Hwy #80 Alexandria VA 22306-1801

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Arch Wireless Inc 6910 Richmond Hwy #80 Alexandria VA 22306-1801 ASC Telecom Inc 6391 Sprint Pkwy Overland Park KS 66251-6100

Associated Network Partners Inc 3130 Pleasant Run Springfield IL 61707-6347 Association Administrators Inc 180 E Main St Smithtown NY 11787

Kimberly Nielsen AT&T Wireless P O Box 3611 Bothell WA 98073-9761

ATX Telecommunications Services Ltd 50 Monument Rd Bala Cynwyd PA 19004

BCN Telecom Inc 550 Route 202-206 2nd Fl Bedminster NJ 07921 VINCENT WOODBURY
BELL ATLANTIC COMMUNICATIONS, INC.
1 VERIZON WAY VC11E207
BASKING RIDGE NJ 07920

Robin H Taylor
BellSouth Long Distance Inc
400 Perimeter Ctr Terr Ste 350
Atlanta GA 30346

Angel Sotomayer Bismarck MSA Limited Partnership 180 Washington Valley Rd Bedminster NJ 07921-2120

Blackstone Communications Company 11600 NW 34th St Miami FL 33178 Broadwing Communications LLC 1122 Capital of Texas Highway S Austin TX 78746

Budget Phone, Inc. 1325 Barksdale Blvd Ste 200 Bossier City LA 71111-4600 BullsEye Telecom, Inc. 25900 Greenfield Rd Ste 330 Oak Park MI 48237

Craig Konrad
Business Discount Plan Inc
1 World Trade Ctr Ste 800
Long Beach CA 90831

CRAIG KONRAD BUSINESS DISCOUNT PLAN, INC. ONE WORLD TRADE CENTER SUITE 800 LONG BEACH CA 90831

Business Network Long Distance Inc 1400 16th St Ste 400 Denver CO 80202 Scott Geston
Cable One of Fargo
P O Box 10757
Fargo ND 58106-0757

Century Telecommunications Inc P O Box 4065 Monroe LA 71211-5065 Cincinnati Bell Any Distance Inc 201 E 4th St Cincinnati OH 46202 Clear World Communications Corporation 3601 S Harbor Blvd Santa Ana CA 92704 Cognigen Networks Inc 6405 218th St SW Ste 305 Mountlake Terrace WA 98043-2180

Coleman Enterprises Inc 6053 Hudson Rd #110 Woodbury MN 55125 Beth Choroser Comcast Business Communications Inc 1500 Market St Philadelphia PA 19102

CommPartners LLC 3291 N Buffalo Dr Ste 8 Las Vegas NV 89129 Courtney Maroon Communications Billing Inc P O Box 40149 Bay Village OH 44140-0149

C Hurley Cox Communications Network Billing Inc 6701 Democracy Blvd Ste 300 Bethesda MD 20817

Computer Integrated Communications Inc 8502 Bells Mill Rd Potomac MD 20854-4071

Computer Network Technology Corp 6000 Nathan Ln N Minneapolis MN 55442

Comtech 21 LLC 1 Barnes Park S Wallingford CT 06492

Consolidated Billing Provider LLC 7 Shingle Oak Dr Voorhees NJ 08043

Scott Kitchen Consolidated Comm Operator Services Inc 350 S Loop 336 W Conroe TX 77304

Consolidated Comm Telecom Services Inc 121 S 17th St Mattoon IL 61938 Consolidated Communications Corp P O Box 1408 Dickinson ND 58602-1408

Consolidated Communications Networks In 507 S Main
Dickinson ND 58601

Consolidated Telcom PO Box 1077 Dickinson ND 58601-1077

Contact Communications 937 W Main St Riverton WY 82501 Convergia Inc 237 Hymus Blvd Point-Claire Quebec CA H9R 5C7

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CORPORATE CALLING SERVICES, INC.
3960 HOWARD HUGHES PARKWAY 5TH FLOOR #5
LAS VEGAS NV 89109-5972

Corporate Communications Inc 2150 32nd Ave S Grand Forks ND 58201

Custom Teleconnect Inc 3111 S Valley View Ste E-120 Las Vegas NV 89102

William Jackson Dakota Justice 38 8th Ave W Dickinson ND 58601

Dave Dircks

DCN LLC
P O Box

Devils Lake ND 58301-0180

Dial-Thru Inc 17383 Sunset Blvd Ste 350 Pacific Palisades CA 90272-4195

Digital Telecommunications Inc 111 Riverfront Ste 305 Winona MN 55987

Easton Telecom Services Inc 3046 Brecksville Rd #A Richfield OH 44286-9399

Encompass Communications LLC 119 W Tyler Ste 260 Longview TX 75601

Enhanced Communications Network Inc 1031 S Glendora Ave West Covina CA 91790

Epixtar Communications Corp 11900 Biscayne Blvd Ste 262 Miami FL 33181 Anthony Barrett Covista Inc 4803 Hwy 58 N Chatanooga TN 37416

Cybertel Communications Corp 9444 Waples ST Ste 290 San Diego CA 92121-2985

Daktel Communications LLC P O Box 299

Carrington

•

DelTel Inc 27071 Aliso Creek Rd Ste 150 Aliso Viejo CA 92656-5323

Lynn Hankins DIECA Communications Inc 3420 Central Expy Santa Clara CA 95051-0703

Eagle Telecom Inc 614 S 8th St Ste 335 Philadelphia PA 19147

Easton Telecom Services LLC Summit II Unit A 3406 Brecksville Rd Richfield OH 44286

Enhanced Communications Group LLC 312 E Delaware Ave Bartlesville OK 74003-3630

Entrix Telecom Inc 520 Broad St Newark NJ 07102

erbia Network Inc 7901 Ariel Way McLean VA 22102 Ernest Communications Inc 5275 Triangle Pkwy Ste 150 Norcross GA 30092

Farstad Oil Inc P O Box 1842 Minot ND 58701

FreedonStarr Communications Inc 7985 Santa Monica Blvd #7 West Hollywood CA 90046

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FARGO ND 58106

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Globalcom Inc 333 West Wacker Ste 1500 Chicago IL 60606

Go Solo Technologies Inc 5053 Ocean Blvd #54 Sarasota FL 34242

Granite Telecommunications LLC 100 Newport Ave Ext Quincy MA 02171

Group Long Distance Inc 1 Cavalier Ct Ringoes NJ 08551-0534

Houlton Enterprises Inc 2201 W Bdwy Ste 1 Council Bluffs IA 51501 Chere Heintzmann Extend America Inc 1101 E Front Ave Bismarck ND 58504-5654

Lawrence Freedman Fleischman & Walsh 1919 Pennsylvania Ave NW Ste 600 Washington DC 20006-3420

Funding Our Future LLC 1900 Wellesley Ave St Paul MN 55105

Gerlach Enterprises Inc 2910 32nd St S Fargo ND 58103-7801

Global Tel\*Link Corporation 2609 Cameron St Mobile AL 36607-3104

GLOBCOM INCORPORATED 1371 Longacre Ln Wheeling IL 60090-5931

Gold Line Telemanagement Inc 180 W Beaver Creek Rd Richmond Hill Ontari CA L4B 1B4

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GRANITE TELECOMMUNICATIONS, LLC
3100 CUMBERLAND BLVD #900
ATLANTA GA 30339

GTC Telecom 3151 Airway Ave Ste p\_3 Costa Mesa CA 92626

IBFA Acquisition Company LLC 1850 Howard St Unit C Elk Grove Village IL 60007 ICG Telecom Group Inc 9800 Pyramid Ct Ste 250 Englewood CO 80112-2666

Intercontinental Communicatiosn Group I: 420 Lexington Ave Ste 518
New York NY 10170

International Telemanagement Group Inc 206 E Market St Lima OH 45801

IPVoice Communications Inc 14860 Montfort Dr Ste 210 Dallas TX 75254

KMC Data LLC 5300 Oakbrook Parkway Building 300, Suit Norcross Lebanon GA 30093

Thomas K Crowe Law Offices of Thomas K Crowe PC 1250 24th St NW Ste 300 Washington DC 20037

LCR Telecommunications LLC 100 West Big Beaver Rd Ste 200 Troy MI 48084

Level 3 Communications LLC 1025 Eldorado Blvd Broomfield CO 80021

Local Telcom Holdings LLC 485 Madison Ave 15th Fl New York NY 10022-5803

Main Street Telephone Company 470 Norristown Rd Ste 201 Blue Bell PA 19422-2322

Intone LLC 11200 Murray Scholls Place Beaverton OR 97007-9702

Ken Hanks International Telcom Ltd 417 2nd Ave W Seattle WA 98119

David A. Huberman Intrado Communications Inc 1601 Dry Creek Dr Longmont CO 80503-6493

Nanette Edwards ITC DeltaCom Communications Inc 7037 Old Madison Pike NW #400 Huntsville AL 35806-2107

Myer Shark Knollwood Place Apts #221 3630 Phillips Pkwy St Louis Park MN 55426

LCI Telemanagement Corp 4650 Lakehurst Ct Dublin OH 43017

LDC Telecommunications Inc 10012 N Dale Mabry Hwy Tampa FL 33618

Lightyear Network Solutions LLC 201 E Main St Ste 1000 Lexington KY 40507

Long Distance Billing Services Inc 436 Lynchburg Ave Brookneal VA 24528

THOMAS GLYNN
MAIN STREET TELEPHONE COMPANY
470 NORRISTOWN ROAD SUITE 201
BLUE BELL PA 19422

Maxcess Inc P O Box 951419 Lake Mary FL 32795-1419 McGraw Communications Inc 228 E 45th St 12th F1 New York NY 10017

MCI Worldcom Network Services Inc 22001 Loudoun Cty Pkwy Ashburn VA 20147-6105 MCImetro Access Transmission Services 22001 Loudoun County Pkwy Ashburn VA 20147-6105

McKenzie Consolidated Telecom LLC P O Box 1408 Dickinson ND 58602-1408

McLeodUSA 1 Martha's Way Hiawatha IA 52233-2402

Mercury Long Distance INc 2288 Gunbarrel Rd Stte 111-269 Chattanooga TN 37421 Metropolitan Telecomm of ND Inc 44 Wall St 6th Fl New York NY 10005

MGEN Services Corp 2510 N Red Hill Ave Santa Ana CA 92705 Micro-Comm Inc 2612 Cameron Mobile AL 36670-0461

Mid-Rivers Long Distance Inc 106 2nd Ave S Circle MT 59215

Minnesota Independent Equal Access Corp 300 S Hwy 169 Ste 700 Minneapolis MN 55426

Miracle Communications Inc 725 Lakefield Rd Ste G Westlake Village CA 91361-5915 Mike Strand MITS PO Box 5237 Helena MT 59604-5237

National Directory Assistance LLC 12700 Shelbyville Rd Danville Bldg Louisville KY 40243 Jim Arbury National Multi Housing Council 1850 M St NW Ste 540 Washington DC 20036

National Professional Teleservices LLC 14001 63rd Way N Clearwater FL 33760

Dave Crothers NDATC Box 1144 Mandan ND 58554-1144

NECC Telecom Inc 605 N Shore Dr Unit 101-103 Jeffersonville IN 47130 Net One International Inc 4037 Metric Dr Winter Park FL 32792-6808 Netlojix Telecom Inc 104 W Anapamu St Ste C Santa Barbara CA 93101 Network Billing Systems LLC 155 Willowbrook Blvd Wayne NJ 07470

Network Communications International Co 606 E Magrill St Longview TX 75601

Network Enhanced Technologies Inc 700 S Flower St Ste 420 Los Angeles CA 90017-4106

Network Operator Services Inc 119 West Tyler Ste 260 Longview TX 75601 Network PTS Inc 14472 Wicks Blvd San Leandro CA 94577

Network Service Billing Inc 7251 W Lake Mead Blvd Ste 300 Las Vegas NV 89128 Network US Inc 1842 Centre Point Dr Ste 128 Naperville IL 60563-4851

NetworkIP LLC 119 West Tyler St Ste 168 Longview TX 75601 New Century Telecom Inc 8180 Greensboro Dr #700 McLean VA 22102

New Edge Network Inc 3000 Columbia House Blvd Ste 106 Vancouver WA 98661 NobelTel LLC 5759 Fleet St Carlsbad CA 92008

Norlight Inc 13935 Bishops Dr Brookfield WI 53005-6605 Cheryl Jung Norstan Network Services Inc 5101 Shady Oak Rd Minnetonka MN 55343

Angel Sotomayor North Dakota 5-Kidder Ltd Ptnshp 180 Washington Valley Rd Bedminster NJ 07921-2120 Carmine Russo North Dakota Big Sky Telecom 374 Ansin Blvd Hallandale FL 33009

Dave Dircks
North Dakota Long Distance Inc
P O Box 180
Devils Lake ND 58301-0180

North Dakota Long Distance LLC 104 Eastwood Dr Grafton ND 58237

Nosva Limited Partnership 4380 Boulder Hwy Las Vegas NV 89121-3002 NPCR Inc 4500 Carillon Pt Kirkland WA 98033 VINCENT WOODBURY
NYNEX LONG DISTANCE
1 VERIZON WAY VC11E207
BASKING RIDGE NJ 07920

OLS Inc 1030 Cambridge Sq Ste E Alpharetta GA 30201

Opcom Inc 512 N 29th St Billings MT 59101-1128

BRAD VANLEUR ORBITCOM, INC. FKA VP TELECOM 1701 N LOUISE AVE SIOUX FALLS SD 57107

Pacitic Centrex Services Inc 6855 Tujunga Ave North Hollywood CA 91605

Phonel Inc 100 N Biscayne Blvd 25th FL Miami FL 33132

POPP Telcom Inc 620 Mendelssohn Ave N Golden Valley MN 55427

Preimiercom Inc 500 E Higgins Rd Ste 200 Elk Grove Village IL 60007

Professional Comm Management Serv Inc RR 3 Box 69G Bruceton Mills WV 26525-9611

Public Communications Services Inc 11859 Wilshire Blvd Ste 600 Los Angeles CA 90025 OCMC Inc 801 Congressional Blvd Carmel IN 46032

One Call Communications Inc 801 Congressional Blvd Carmel IN 46032

Brad Van Leur OrbitCom Inc 1701 N Louise Ave Sioux Falls SD 57107

OU Connection Inc 13 E 4th Ave Ada MN 56510

PAETEC Communications Inc 1 PaeTec Plaza 600 Willowbrook Office P. Fairport NY 14450

PNG Telecommunications Inc 100 Commercial Dr Fairfield OH 45014

Powercom Corporation 1807 N Center St Beaver Dam WI 53916-1031

ED HEBERT
PREMIERCOM, INC.
500 E HIGGINS ROAD SUITE 200
ELK GROVE VILLAGE IL 60007

Public Communications Services Inc 11859 Wilshire Blvd Ste 600 Los Angeles CA 90026

Quasar Communications Corporation 15610 Boulder Oaks Dr Houston TX 77084 Qwest Corporation 1801 California St Ste 900 Denver CO 80202

Qwest Interprise America Inc 1801 California St Ste 5100 Denver CO 80202

QX Telecom LLC 230 5th Ave New York NY 10001

Radiant Telecom Inc 1020 NW 163 Dr Miami FL 33169

Dean Polkow RCC Network Inc PO Box 2000 Alexandria MN 56308-2000

Reduced Rate Long Distance LLC 1800 Pembrooke Dr Ste 300 Orlando FL 32810

Reliant Communications Inc 801 International Pkwy 5th Fl Lake Mary FL 32746

Ridley Telephone Company LLC 470 Norristown Rd Ste 201 Blue Bell PA 19422-2322

Karen Brinkman SBC Long Distance LLC 5850 W Las Positas Blvd Pleasanton CA 94558

Smartstop Inc 333 SW Taylor St Portland OR 97204-2446 Kristin L Smith Qwest Corporation 1801 California St Ste 900 Denver CO 80202

Qwest LD Corp 1801 California St Ste 5100 Denver CO 80202

R2C Communications Inc 9532 Mission Rd #25 Overland Park KS 66206

RCC Network Inc 3905 Dakota St SW Alexandria MN 56308-2000

RCC Paging Inc P O Box 2000 Alexandria MN 56308

Reliance Telephone Systems Inc 118 Gateway Dr East Grand Forks ND 56721

Reliant Communications Inc 801 International Pkwy 5th Fl Lake Mary` FL 32746

Kimberly Nielson RTC-1 Legal & External Affairs 7277 164th Ave Redmond WA 98052

Smartnet Inc 649 4th Ave SW Dickinson ND 58601

Snip Link LLC 100-A Twinbridge Dr Pennsauken NJ 08110 Souris River Telecommunications Company P O Box 2027 Minot ND 58702-2027 T P C Inc PO Box 180 Devils Lake ND 58301-0180

Harris Saele

TCPB Marketing Company Ltd P O Box 40149 Bay Village OH 44140-0149 William Staycoff Telcom Billing Services Inc 9243 E River Rd NW Coon Rapids MN 55433-5722

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TeleCents Communications Inc 8615 Richardson Rd Ste 200 Walled Lake MI 48390

Telecom Management Inc 563 Warren Ave Portland ME 04103 Teleconnect Long Dist Sevices & Systems 500 2nd Ave SE Cedar Rapids IA 52401

Teletyne Incorporated PO Box 2251 Milton FL 3257132571

Telenational Communications Inc 7310 Woolworth Ave Omaha NE 68124

Telrite Corporation 14500 Lochridge Blvd Ste D Covington GA 30014-4941 TelVue Corporation 16000 Horizon Way Mt Laurel NJ 08054

The Farm Bureau Connection 600 Maryland Ave SW Ste 800 Washington DC 20024-2520

Jonathan Marashlian The Helein Law Group P C 8180 Greensboro Dr Ste 700 McLean VA 22102

CURTIS HOPFINGER
T-NETIX TELECOMMUNICATIONS SERVICES, IN14651 DALLAS PARKWAY SUITE 600
DALLAS TX 75254

Total Call International Inc 707 Wilshire Blvd 9th Fl Los Angeles CA 90017-3501

Touch I Communications Inc 100 Brookwood Rd Atmore AL 36504-5751 Touchtone Communications Inc 16 S Jefferson Rd Whippany NJ 07981

Transcom Communications Inc 1925 W John Carpenter Frwy Ste 500 Irving TX 75063 Tri-M Communications Inc 125 E DeLaGuerra Ste 203 Santa Barbara CA 93101 Trinsic Communications Inc 601 S Harbour Island Blvd Ste 220 Tampa FL 33602-5925

Uni-Tel Communications Group Inc 55 S Main #304 Naperville IL 60540

Val-Ed Joint Venture LLP//02 702 Main Ave Moorhead MN 56560

Virgin Mobile USA LLC 10 Independence Blvd Warren NJ 07059-6747

WebNet Communications Inc 20904 Winola Ter Ashburn VA 20147-6482

Wholesale Carrier Services Inc 5471 N University Dr Coral Springs FL 33067-4634

Wireless Alliance LLC P O Box 2000 Alexandria MN 56308-2000

Working Assets Funding Services 101 Market St #700 San Francisco CA 94105-1533

X2Comm Inc 270 S Main St Flemington NJ 08822

Yak Communications (America) Inc 300 Consilium Pl Ste 500 Toronto Ontario CA M1H 3G2 U S South Communications Inc 250 Williams St Ste M-100 Atlanta GA 30303-1032

US LEC Communications Inc 6801 Morrison Blvd Morrocroft III Charlotte NC 28211

Rick Cantu Value-Added Communications Inc 3801 E Plano Pkwy Ste 100 Plano TX 75074-1808

WDT World Discount Tele Co 13644 Neuton Rd Dallas TX 75244

Western CLEC Corporation 3650 131st Ave SE #400 Bellevue WA 98006

Carolyn Fodor Winstar Communications 520 Broad St Newark NJ 07102

WALTER MCGEE
WORKING ASSETS FUNDING SERVICE, INC.
101 MARKET STREET SUITE 700
SAN FRANCISCO CA 94105

WTC Competitive Services Inc P O Box 270 Park River ND 58270-0270

XO Communications Services Inc 11111 Sunset Hills Rd Reston VA 20190

Jill Papenhausen Zone Telecom Inc 3 Executive Campus Ste 520 Cherry Hill NJ 08002

OVER.....

Kent Blickensderfer Qwest Corporation 220 N 5th St Bismarck ND 58501 wbrudvik@ohnstadlaw.com William Brudvik

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kimberly.k.bennett@alltel.com KIMBERLY BENNETT ALLTEL HOLDING CORPORATE SERVICES, INC. ONE ALLIED DRIVE 1269-B5F04-E LITTLE ROCK AR 72202

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Fairport NY 14450

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11425 WEST 146TH STREET
OLATHE KS 66062

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Janice L Ono
AT&T Nevada
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donn@srt.com
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Pringle and Herigstad P C
PO Box 1000
Minot ND 58702-1000

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New Effington SD 57255-0197

jeffolson@rrt.net Jett Olson Red River Rural Tele Assoc PO Box 136 Abercrombie ND 58001-0136

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DAVE HANGSLEBEN
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3525 NORKOTA COURT
GRAND FORKS ND 58201

marciab@RTC.coop Marcia Burckhard Reservation Telephone Cooperative

Parshall ND 58770

klawrence@primustel.com
KATHLEEN LAWRENCE
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7901 JONES BRANCH DRIVE # 900
MCLEAN VA 22102-3316

tresch1@attbi.com THOMAS RESCH PROTEL ADVANTAGE, INC. 1308 MEDORA ROAD MENDOTA HEIGHTS MN 55118

marius\_malai@yahoo.com MARIUS MALAI PULSE TELECOM LLC 301 SOUTH 13TH STREET SUITE 500 LINCOLN NE 68508

Kent.Blickensderfer@qwest.com KENT BLICKENSDERFER QWEST COMMUNICATIONS CORPORATION 220 N 5ST BISMARCK ND 58501

kblicke@qwest.com Kent Blickensderter Qwest Corporation 220 N 5th St PO Box 5508 Bismarck ND 58502-5508

jason.topp@qwest.com Jason Topp Qwest Services Corporation 200 S 5th St Rm 2200 Minneapolis MN 55402

jriley@telecompliance.net JUDITH RILEY RED RIVER NETWORKS, LLC 2912 LAKESIDE DRIVE OKLAHOMA CITY OK 73120

cstein@dominionbusinessgroup.com CHRIS STEIN REDUCED RATE LONG DISTANCE, LLC 1800 PEMBROOKE DR SUITE 300 ORLANDO FL 32810

cstein@dominionbusinessgroup.com CHRIS STEIN RELIANT COMMUNICATIONS INC 801 INTERNATIONAL PKWY 5TH FLOOR LAKE MARY FL 32746

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Parshall ND 58770

shaneh@restel.net Shane Hart Reservation Telephone Cooperative

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Roberts County Telephone Coop Assoc

New Ettington SD 57255

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br5852@att.com BEBE RODRIGUEZ SBC LONG DISTANCE, LLC 1010 N SAINT MARY'S ST 13-32 SAN ANTONIO TX 78215

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jpapenhausen@zonetelecom.com JILL PAPENHAUSEN ZONE TELECOM, INC. 3 EXECUTIVE CAMPUS SUITE 520 CHERRY HILL NJ 08002

APPROVED
DATE: 5-16-07
SAB

# MOTION

May 16, 2007

Case No. PU-405-00-104 Absaraka Co-op Tele. Co. **BEK Communications I Inc.** Case No. PU-1680-99-491 Case No. PU-418-99-490 **BEK Communications** Consolidated Telecom, Inc. Case No. PU-2013-99-496 **Consolidated Telephone Co-operative** Case No. PU-419-99-504 Dakota Central Telecom I, Inc. Case No. PU-1683-99-502 **Dakota Central Telecommunications Cooperative** Case No. PU-1682-99-495 **Dickey Rural Communications, Inc.** Case No. PU-1576-99-500 Case No. PU-421-99-501 **Dickey Rural Telephone Cooperative Inter-Community Telephone** Case No. PU-449-99-499 Inter-Community Telephone II, L.L.C. Case No. PU-1685-99-498 North Dakota Telephone Co. Case No. PU-1264-99-497 **Northwest Communications Cooperative** Case No. PU-425-99-503 **Polar Communications Mutual Aid Corporation** Case No. PU-426-99-481 **Reservation Telephone Cooperative** Case No. PU-427-99-492 Case No. PU-1686-99-494 **Turtle Mountain Communications, Inc.** Case No. PU-431-99-493 United Telephone Mut Aid Corp. Case No. PU-1540-99-473 West River Communications, Inc. West River Telecommunications Cooperative Case No. PU-432-99-472

I move the Commission adopt the order closing the captioned proceedings.

**PJF** 

# STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

Absaraka Co-op Tele. Co.	Case No. PU-405-00-104
BEK Communications I Inc.	Case No. PU-1680-99-491
BEK Communications	Case No. PU-418-99-490
Consolidated Telecom, Inc.	Case No. PU-2013-99-496
Consolidated Telephone Co-operative	Case No. PU-419-99-504
Dakota Central Telecom I, Inc.	Case No. PU-1683-99-502
Dakota Central Telecommunications Cooperative	Case No. PU-1682-99-495
Dickey Rural Communications, Inc.	Case No. PU-1576-99-500
Dickey Rural Telephone Cooperative	Case No. PU-421-99-501
Inter-Community Telephone	Case No. PU-449-99-499
Inter-Community Telephone II, L.L.C.	Case No. PU-1685-99-498
North Dakota Telephone Co.	Case No. PU-1264-99-497
Northwest Communications Cooperative	Case No. PU-425-99-503
Polar Communications Mutual Aid Corporation	Case No. PU-426-99-481
Reservation Telephone Cooperative	Case No. PU-427-99-492
Turtle Mountain Communications, Inc.	Case No. PU-1686-99-494
United Telephone Mut Aid Corp.	Case No. PU-431-99-493
West River Communications, Inc.	Case No. PU-1540-99-473
West River Telecommunications Cooperative	Case No. PU-432-99-472

## **ORDER CLOSING PROCEEDINGS**

# May 16, 2007

On April 4, 2007 the Commission issued a Notice of Intent to Close Proceeding and Request for Comments in the captioned cases concerning revised intraLATA switched-access prices. The Notice provided until May 4, 2007 for comments from interested parties that would identify reasons for continuing the proceedings. No party has responded to the Notice.

The Commission orders the captioned proceedings are closed.

## **PUBLIC SERVICE COMMISSION**

President

Kevin Cramer Commissioner

17 PU-405-00-104

Pages: 1



North Dakota Newspaper Association

1435 Interstate Loop Bismarck, ND 58503-0567 Ph (701) 223-6397 • Fax (701) 223-8185

# **INVOICE**

NO PUBLIC SERVICE COMMISS KEVIN CRAM

Order 23333-07043PP1

600 E. BOULEVARD AVE.

STATE CAPITOL BISMARCK, ND 58505

Voice: 701-328-4076

Attn: ILLONAA. JEFFCOAT-SACCO

**PUBLIC SERVICE COMMISSION** 

Invoice # 86551

April 23, 2007

Advertiser: Public Utilities Division

P.O.#:

P21-4/8.99,

Amount Due

\$1,597.19

**Amount Paid** 

Please detach and return this portion with your payment

Ad Size Rate Typ	pe Rate	T 1	D: (0.0)		
Au Size Kute Typ	<del></del>	Total	Discount (%)	Caption	Page Run Dai
Bismarck Tribune (Bismarck	k ND)				
258.00 SPR2	0.68	175.44	0.00	Multiple Cases - Close	04/12/07
evils Lake Daily Journal (D	evils Lake ND)			·	
283.00 SPR2	0.62	175.46	0.00	Multiple Cases - Close	04/13/07
ickinson Press (Dickinson	ND)				
241.00 SPR2	0.69	166.29	0.00	Multiple Cases - Close	04/12/07
argo, The Forum (Fargo ND	<b>)</b> )				
226.00 SPR2	0.76	171.76	0.00	Multiple Cases - Close	04/16/07
irand Forks Herald (Grand I	Forks ND)			·	
257.00 SPR2	0.71	182.47	0.00	Multiple Cases - Close	04/12/07
amestown Sun (Jamestowr	n ND)				
244.00 SPR2	0.58	141.52	0.00	Multiple Cases - Close	04/12/07
linot Daily News (Minot ND)					
226.00 SPR2	0.54	122.04	0.00	Multiple Cases - Close	04/12/07
alley City Times-Record (Va	alley City ND)				•
259.00 SPR2	0.64	165.76	0.00	Multiple Cases - Close	04/12/07
ahpeton Daily News (Wahp	peton ND)			·	
275.00 SPR2	0.49	134.75	0.00	Multiple Cases - Close	04/12/07
/illiston Herald (Williston N	D)			•	
245.00 SPR2	0.66	161.70	0.00	Multiple Cases - Close	04/12/07
				•	
Gross Advertising	1,597.19	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	1,597.19	Payment Date	

If you would like to pay this invoice with a credit card, please contact Rhonda at 701-223-6397.

PU-405-00-104 16

Pages: 2

Invoice # 86551 for \$1,597.19

by North Dakota Advertising Service, Inc. CC: Comm Legal PUD (3) .

04/24/2007

# **Affidavit of Publication**

Colleen	Yark	, being duly sworn	, state as follows:
	l agent, under the provi spapers listed on the at	sions and for the purposes tached exhibits.	of, Section 31-04-06,
2. The newspapers lis	ted on the exhibits publ	lished the advertisement of	f:
Public Ser	vice Commissi	in bultiple Cas	es, Obse
t ime(s) as re	quired by law or ordinar	ion; Jultiple Cas	Proceeding
provisions of Section 46 required by law or ordin	6-05-01, NDCC, are qua ance to be printed or pu	apers in the State of North D dified to publish any public r dblished in a newspaper in N	notice or any matter
Signed: <u>Colle</u>	w Park		1
State ofND			
a	1.	th 1 -	
Subscribed and sworn	to before me this $Q$	day of April	20 <u>07</u> .
KenyAma	u	<u> </u>	

KERRY AMAN Notary Public State of North Dakota My Commission Expires Aug. 17, 2012

# Miller, Patricia A.

From:

Colleen Park [colleenp@ndna.com]

Sent:

Thursday, April 05, 2007 11:45 AM

To:

Miller, Patricia A.

Subject: RE: Notice of Intent to Close Proceeding and Request for Comments, Case No. PU-418-99-490

Received. The last publication will be April 16.

Colleen

From: Miller, Patricia A. [mailto:patmiller@nd.gov]

Sent: Thursday, April 05, 2007 9:39 AM

**To:** Colleen Park **Cc:** Geiger, Gloria A.

Subject: Notice of Intent to Close Proceeding and Request for Comments, Case No. PU-418-99-490

Colleen Park

North Dakota Newspaper Association

Please have the attached Notice of Intent to Close Proceeding and Request for Comments published as a legal publication in the next issue of the following newspapers. Do not publish in the classifieds.

Bismarck Tribune
Minot Daily News
Grand Forks Herald
Fargo Forum
Jamestown Sun
Valley City Times-Record
Wahpeton Daily News
Devils Lake Journal
Williston Herald
Dickinson Press

Please run it as a "News Item Only" article as well, and send the bill to the Public Service Commission along with a tear sheet for billing purposes.

If you have any questions, please call me at 328-4076 or email me.

Pat Miller Public Utilities Division Public Service Commission 701-328-4076

# Miller, Patricia A.

From:

Miller, Patricia A.

Sent:

Thursday, April 05, 2007 9:39 AM

To:

'Colleen Park'

Cc:

Geiger, Gloria A.

Subject:

Notice of Intent to Close Proceeding and Request for Comments, Case No. PU-418-99-490

Attachments: 53.doc

Colleen Park

North Dakota Newspaper Association

Please have the attached Notice of Intent to Close Proceeding and Request for Comments published as a legal publication in the next issue of the following newspapers. Do not publish in the classifieds.

Bismarck Tribune
Minot Daily News
Grand Forks Herald
Fargo Forum
Jamestown Sun
Valley City Times-Record
Wahpeton Daily News
Devils Lake Journal
Williston Herald
Dickinson Press

Please run it as a "News Item Only" article as well, and send the bill to the Public Service Commission along with a tear sheet for billing purposes.

If you have any questions, please call me at 328-4076 or email me.

Pat Miller Public Utilities Division Public Service Commission 701-328-4076

14 PU-405-00-104

Pages: 1

#### STATE OF NORTH DAKOTA

#### **PUBLIC SERVICE COMMISSION**

#### AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

Case No. PU-405-00-104 Absaraka Co-op Tele. Co. **BFK Communications I Inc.** Case No. PU-1680-99-491 **BEK Communications** Case No. PU-418-99-490 Consolidated Telecom, Inc. Case No. PU-2013-99-496 **Consolidated Telephone Co-operative** Case No. PU-419-99-504 Case No. PU-1683-99-502 Dakota Central Telecom I. Inc. **Dakota Central Telecommunications Cooperative** Case No. PU-1682-99-495 Case No. PU-1576-99-500 Dickey Rural Communications, Inc. Case No. PU-421-99-501 **Dickey Rural Telephone Cooperative** Case No. PU-449-99-499 Inter-Community Telephone Inter-Community Telephone II, L.L.C. Case No. PU-1685-99-498 North Dakota Telephone Company Case No. PU-1264-99-497 Case No. PU-425-99-503 Northwest Communications Cooperative Case No. PU-426-99-481 Polar Communications Mutual Aid Corporation **Reservation Telephone Cooperative** Case No. PU-427-99-492 **Turtle Mountain Communications. Inc.** Case No. PU-1686-99-494 **United Telephone Mut Aid Corp** Case No. PU-431-99-493 Case No. PU-1540-99-473 West River Communications, Inc. Case No. PU-432-99-472 **West River Telecommunications Cooperative** 

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH

# Patricia Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 5th day of April, 2007, she deposited in the United States Mail, Bismarck, North Dakota, 16 envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

# **Notice of Intent to Close Proceeding**

The envelopes were addressed as follows:

James E Howard Jr. John Staurulakis Incorporated Eagandale Corporate Ctr Ste 310 1380 Corporate Ctr Dr Eagan-MN 55121

Cert. No. 7005 3110 0003 6265 1842

John Coleman Olson-Thielen & Co Ltd 223 Little Canada Rd St Paul MN 55117-1376

Cert. No. 7005 3110 0003 6265 1859

PU-405-00-104

Pages: 4

Mark Scallon
Dickey Rural Telephone Coop
Dickey Rural Communications Inc
P O Box 69
Ellendale ND 58436-0069
Cert. No. 7005 3110 0003 6265 1880

Royce Aslakson Reservation Telephone Cooperative P O Box 68 Parshall ND 58770-0068

# Cert. No. 7005 3110 0003 6265 1897

Kenneth Lund Jr Northwest Communications Coop P O Box 38 Ray ND 58849-0038

# Cert. No.7005 3110 0003 6265 1910

Paul Schuetzler Consolidated Telecom Inc Consolidated Telephone Coop P O Box 1408 Dickinson ND 58602-1408

# Cert. No. 7005 3110 0003 6265 1941

David Dunning
Polar Communications Mut Aid Corp
P.O.Box 270
Park River ND 58270-0270

# Cert. No. 7005 3110 0003 6265 1965

Keith Anderson Inter-Community Telephone Company Inter-Community Telephone Company II P O Box 8 Nome ND 58062-0008 Cert. No. 7005 3110 0003 6265 1989 Donald A Negaard Pringle & Herigstad, PC PO Box 1000 Minot ND 58702

#### Cert. No. 7005 3110 0003 6265 1866

Jerome Tishmack BEK Communications I Inc BEK Communications Coop P O Box 230 Steele ND 58482-0230

### Cert. No. 7005 3110 0003 6265 1903

Mick Grosz
West-River Communications Inc
West-River Telecommunications Coop
P O Box 467
Hazen ND 58545-0467
Cert. No. 7005 3110 0003 6265 1934

Keith A Larson
Dakota Central Telecom I Inc
Dakota Central Telecomm Coop
P O Box 299
Carrington ND 58421-0299

# Cert. No. 7005 3110 0003 6265 1958

Kenneth Carlson
United Telephone Mut Aid Corp
Turtle Mountain Communications Inc
P O Box 729
Langdon ND 58279-0729
Cert. No. 7005 3110 0003 6265 1972

Dave Dircks North Dakota Telephone Company P O Box 180 Devils Lake ND 58301-0180

Cert. No. 7005 3110 0003 6265 1996

Jason Topp Qwest Services Corporation 200 S 5<sup>th</sup> St, Rm 2200 Minneapolis MN 55402 Cert. No. 7005 3110 0003 6265 1873 Ann Faught Absaraka Co-op-Tele. Co. 2894 146 Ave SE Absaraka ND 58002 Cert No. 7005 3110 0003 6265 2030

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me this **5th day of April**, **2007**.

SEAL

CHARLENE A MAGSTADT Notary Public State of North Dakota My Commission Expires Jan 7, 2010

### STATE OF NORTH DAKOTA

#### PUBLIC SERVICE COMMISSION

**BEK Communications I Inc.** Case No. PU-1680-99-491 **BEK Communications** Case No. PU-418-99-490 Consolidated Telecom, Inc. Case No. PU-2013-99-496 **Consolidated Telephone Co-operative** Case No. PU-419-99-504 Dakota Central Telecom I, Inc. Case No. PU-1683-99-502 **Dakota Central Telecommunications Cooperative** Case No. PU-1682-99-495 Dickey Rural Communications, Inc. Case No. PU-1576-99-500 **Dickey Rural Telephone Cooperative** Case No. PU-421-99-501 Inter-Community Telephone Case No. PU-449-99-499 Inter-Community Telephone II, L.L.C. Case No. PU-1685-99-498 North Dakota Telephone Co. Case No. PU-1264-99-497 **Northwest Communications Cooperative** Case No. PU-425-99-503 **Polar Communications Mutual Aid Corporation** Case No. PU-426-99-481 **Reservation Telephone Cooperative** Case No. PU-427-99-492 **Turtle Mountain Communications, Inc.** Case No. PU-1686-99-494 **United Telephone Mutual Aid Corp** Case No. PU-431-99-493 West River Communications, Inc. Case No. PU-1540-99-473 **West River Telecommunications Cooperative** Case No. PU-432-99-472

# AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **5th day of April, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **239** envelopes by first class mail, fully prepaid, securely sealed, and/or e-mailed a copy of:

# **Notice of Intent to Close Proceeding**

To:

#### See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me this 5th day of April, 2007.

Shilly a Bausk Notary Public

**SEAL** 

SHELLY A BAUSKE Notary Public State of North Dakota My Commission Expires July 22, 2010 1 Plus Savings Inc 36072 Jefferson Ave Harrison Township MI 48045 Jenniter Sikes 1-800 Reconex 2500 Industrial Ave Hubbard OR 97032

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3U Telecom Inc 1802 N Carson St Ste 212-2683 Carson City NV 89701

800 Response Information Services LLC 200 Church St Burlington VT 05402 Access Point Inc 1100 Crescent Green Ste 10 9 Cary NC 27511

Accessline Communications Corporation 11201 SE 8th St Ste 200 Bellevue WA 98004 ACCXX Communications LLC 4035 Tampa Rd Ste 6000 Oldsmar FL 34677

Acomm Inc 5701 Shingle Crk Pkwy Ste 550 Brooklyn Center MN 55430-2467 Attinity Network Incorporated 4380 Boulder Hwy Las Vegas NV 89121

Airespring Inc 6060 Sepulveda Blvd Ste 220 Van Nuys CA 91411-2512 Airnex Communications Inc 3000 Executive Pkwy Ste 230 San Ramon CA 94583

Alliance Group Services Inc 1221 Post Rd E Westport CT 06880-5430 JESS DIPASQUALE ALLIANCE GROUP SERVICES, INC. 1221 POST ROAD E WESTPORT CT 06880

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Alternate Communications Technology Inc 1398 N Shadeland Ave Ste 2233 Indianapolis IN 46219

Americate Corporation 4045 NW 97th Ave Miami FL 33178

Kelly Franks Amerivision Communications Inc 201 NW 63rd St Ste 200 Oklahoma City OK 73116

Arch Communications Enterprises LLC 6910 Richmond Hwy #80 Alexandria VA 22306-1801

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Arch Wireless Inc 6910 Richmond Hwy #80 Alexandria VA 22306-1801

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BASKING RIDGE NJ 07920

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Consolidated Communications Networks In 507 S Main Dickinson ND 58601

Consolidated Telcom PO Box 1077 Dickinson ND 58601-1077 Contact Communications 937 W Main St Riverton WY 82501

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CORPORATE CALLING SERVICES, INC.
3960 HOWARD HUGHES PARKWAY 5TH FLOOR #50
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Daktel Communications LLC

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Enhanced Communications Network Inc 1031 S Glendora Ave West Covina CA 91790

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Custom Teleconnect Inc 3111 S Valley View Ste E-120 Las Vegas NV 89102

William Jackson Dakota Justice 38 8th Ave W Dickinson ND 58601

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Houlton Enterprises Inc 2201 W Bdwy Ste 1 Council Bluffs IA 51501 Chere Heintzmann Extend America Inc 1101 E Front Ave Bismarck ND 58504-5654

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Funding Our Future LLC 1900 Wellesley Ave St Paul MN 55105

Gerlach Enterprises Inc 3002 Fiechtner Dr S Ste 1 Fargo ND 58103-2387

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Mid-Rivers Long Distance Inc 106 2nd Ave S Circle MT 59215

Miracle Communications Inc 725 Lakefield Rd Ste G Westlake Village CA 91361-5915

National Access Long Distance Inc 2055 Gateway Place Ste 400 San Jose CA 95110

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Micro-Comm Inc 2612 Cameron Mobile AL 36670-0461

Minnesota Independent Equal Access Corp 300 S Hwy 169 Ste 700 Minneapolis MN 55426

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National Professional Teleservices LLC 14001 63rd Way N Clearwater FL 33760

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Network Billing Systems LLC 155 Willowbrook Blvd Wavne NJ 07470 Network Communications International Co 606 E Magrill St Longview TX 75601

Network Enhanced Technologies Inc 700 S Flower St Ste 420 Los Angeles CA 90017-4106 Network Operator Services Inc 119 West Tyler Ste 260 Longview TX 75601

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Network US Inc 1842 Centre Point Dr Ste 128 Naperville IL 60563-4851 NetworkIP LLC 119 West Tyler St Ste 168 Longview TX 75601

New Century Telecom Inc 8180 Greensboro Dr #700 McLean VA 22102 New Edge Network Inc 3000 Columbia House Blvd Ste 106 Vancouver WA 98661

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OCMC Inc 801 Congressional Blvd Carmel IN 46032 OLS Inc 1030 Cambridge Sq Ste E Alpharetta GA 30201

One Call Communications Inc 801 Congressional Blvd Carmel IN 46032 Opcom Inc 512 N 29th St Billings MT 59101-1128

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PAETEC Communications Inc 1 PaeTec Plaza 600 Willowbrook Office Pl Fairport NY 14450

Phonel Inc 100 N Biscayne Blvd 25th FL Miami FL 33132

PNG Telecommunications Inc 100 Commercial Dr Fairfield OH 45014 POPP Telcom Inc 620 Mendelssohn Ave N Golden Walley MN 55427

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Tri-M Communications Inc 125 E DeLaGuerra Ste 203 Santa Barbara CA 93101

Trinsic Communications Inc 601 S Harbour Island Blvd Ste 220 Tampa FL 33602-5925

U S South Communications Inc 250 Williams St Ste M-100

Uni-Tel Communications Group Inc 55 S Main #304 Atlanta GA-30303-1032 Naperville-IL-60540

US LEC Communications Inc 6801 Morrison Blvd Morrocroft III Charlotte NC 28211

USA Digital Communications Inc 1603 SE 19th St Ste 120 Edmond OK 73013-6621

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WDT World Discount Tele Co 13644 Neuton Rd Dallas TX 75244

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#### AFFROYED

MOTION

DATE: 4-4-07

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April 4, 2007

Case No. PU-405-00-104 Absaraka Co-op Tele. Co. **BEK Communications I Inc.** Case No. PU-1680-99-491 **BEK Communications** Case No. PU-418-99-490 Case No. PU-2013-99-496 Consolidated Telecom, Inc. **Consolidated Telephone Co-operative** Case No. PU-419-99-504 Dakota Central Telecom I, Inc. Case No. PU-1683-99-502 **Dakota Central Telecommunications Cooperative** Case No. PU-1682-99-495 Case No. PU-1576-99-500 Dickey Rural Communications, Inc. **Dickey Rural Telephone Cooperative** Case No. PU-421-99-501 Case No. PU-449-99-499 **Inter-Community Telephone** Inter-Community Telephone II, L.L.C. Case No. PU-1685-99-498 North Dakota Telephone Co. Case No. PU-1264-99-497 **Northwest Communications Cooperative** Case No. PU-425-99-503 Case No. PU-426-99-481 **Polar Communications Mutual Aid Corporation Reservation Telephone Cooperative** Case No. PU-427-99-492 Case No. PU-1686-99-494 Turtle Mountain Communications, Inc. United Telephone Mut Aid Corp. Case No. PU-431-99-493 Case No. PU-1540-99-473 West River Communications, Inc. **West River Telecommunications Cooperative** Case No. PU-432-99-472

I move the Commission issue a Notice of Intent to Close Proceeding and

Request for Comments in its review of the intraLATA switched-access filings, Case No

PU-418-99-490 et al.

PJF

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## STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

Case No. PU-405-00-104 Absaraka Co-op Tele. Co. **BEK Communications I Inc.** Case No. PU-1680-99-491 **BEK Communications** Case No. PU-418-99-490 Consolidated Telecom, Inc. Case No. PU-2013-99-496 Case No. PU-419-99-504 **Consolidated Telephone Co-operative** Dakota Central Telecom I, Inc. Case No. PU-1683-99-502 **Dakota Central Telecommunications Cooperative** Case No. PU-1682-99-495 Dickey Rural Communications, Inc. Case No. PU-1576-99-500 **Dickey Rural Telephone Cooperative** Case No. PU-421-99-501 **Inter-Community Telephone** Case No. PU-449-99-499 Inter-Community Telephone II, L.L.C. Case No. PU-1685-99-498 North Dakota Telephone Co. Case No. PU-1264-99-497 **Northwest Communications Cooperative** Case No. PU-425-99-503 Polar Communications Mutual Aid Corporation Case No. PU-426-99-481 **Reservation Telephone Cooperative** Case No. PU-427-99-492 **Turtle Mountain Communications, Inc.** Case No. PU-1686-99-494 United Telephone Mut Aid Corp. Case No. PU-431-99-493 West River Communications, Inc. Case No. PU-1540-99-473 **West River Telecommunications Cooperative** Case No. PU-432-99-472

## NOTICE OF INTENT TO CLOSE PROCEEDING AND REQUEST FOR COMMENTS

April 4, 2007

On July 16, 1999 the Commission issued an Order accepting a Stipulation between U S WEST and Rural Telephone Company Group (RTCG) members including Absaraka Co-operative Telephone Co., Inc.; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom, Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecom I, Inc.; Dickey Rural Telephone Cooperative; Dickey Rural Communications, Inc.; Griggs County Telephone Co.; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Polar Communications Mutual Aid Corporation; Polar Telecommunications, Inc.; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; united Telephone Mutual Aid Corporation; West River Communications, Inc.; and West River Telecommunications Cooperative. The Stipulation included the following provision:

RTCG member companies will file revised access charges with the Commission to be effective on the date of change of designated carrier.

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These revised access charges, filed by both price cap and rate of return companies, will be interim charges subject to review and approval by the Commission. These revised charges will reflect access charges appropriate for use when intraLATA toll dialing parity is implemented. A price cap company filing access charges will make the filing as a complaint under N.D.C.C. section 49-21-06. Both price cap and rate of return RTCG companies bear the burden of proof on these filings. The difference, if any, between the approved access charges and the interim access charges will be refunded. Any RTCG company with an access charge filing currently pending before the Commission will withdraw the filling.

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With the exception of Absaraka Co-operative Telephone Co., Inc.; Consolidated Communications Networks; Griggs County Telephone Co.; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Company; and Polar Telecommunications, Inc.; the RTCG member companies filed revised intraLATA switched-access prices. The Commission assigned the above captioned case numbers to those intraLATA switched-access price filings.

The Commission directed that staff begin a review of the intraLATA switched-access filings by choosing a filing(s) that would be indicative of the access filings of all the companies. The filings of BEK Communications I Inc. and BEK Communications Cooperative (BEK companies) were chosen.

On June 4, 2002, Commission staff wrote to John Staurulakis Incorporated, cost consultant for the BEK companies, and indicated that staff had completed its review of the information provided to date and had traced much of the access costs back to audited financials. To the June 4, 2002 letter was attached a May 28, 2002 letter that set forth the concerns of Qwest after having reviewed the same information the BEK companies provided during the staff review. An August 23, 2002 letter from the BEK companies responded to Qwest's concerns.

On August 28, 2003 the Commission issued a Notice of Prehearing Conference and Notice of Intervention Deadline listing the issues to be considered in this proceeding:

- 1. Do the cost studies filed by the BEK companies allocate costs to intraLATA switched-access services consistent with Commission rules and prior orders in Case Nos. 10,694 and 10,699?
- 2. Are the Independent local exchange companies required to file intrastate switched-access prices that are based on the prior Commission?
- 3. What is the value of the BEK companies' property, used and useful, for the service and convenience of the public in North Dakota for intraLATA switched-access services?
- 4. What is the rate of return on the BEK companies' property, used and useful, for the service and convenience of the public in North Dakota for intraLATA switched-access services?

- 5. What is a just and reasonable rate of return on the BEK companies' property, used and useful, for the service and convenience of the public in North Dakota for intraLATA switched-access services?
- 6. Should the intraLATA switched-access rates of the BEK companies be adjusted to reflect the impact of any federal high cost support received by the companies?
- 7. Are the BEK companies' intraLATA switched-access rate schedules designed in such a manner that they result in a basis of charge to its customers that is just and reasonable without discrimination?
- 8. Did the terms of the Stipulation of Dismissal in Case PU-2096-91-241, et al cancel the terms of the 1996 Sale of Exchange Agreement concerning intraLATA switched-access prices?
- 9. What rates and charges are necessary to provide a just and reasonable rate of return the BEK companies' property, used and useful, for the service and convenience of the public in North Dakota for intraLATA switched access services?
- 10. Are the revised access prices filed by the Independent local exchange companies appropriate for use with implementation of intraLATA toll dialing parity in compliance with the Stipulation of Dismissal in Case No. PU-2096-91-241, et al.
- 11. Other relevant information or proposals concerning the proceeding.

On October 24, 2003 a prehearing conference was held to discuss procedures and time frames in this proceeding. There was also discussion of methods to focus the issues for the hearing. Anyone wishing to become a party to this proceeding was to file a Petition to Intervene by October 24, 2003.

In the October 29, 2003 Prehearing Order:

- 1. The Administrative Law Judge (ALJ) ordered that the prehearing conference be continued indefinitely to provide the parties an opportunity to consider whether the matters listed in the Commission's Notice of Prehearing Conference may be resolved by the agreement of the parties.
- 2. The ALJ ordered that if the parties are unable to agree for the resolution of these matters they shall attempt to agree to a specification of issues for a consolidated hearing of these matters and a plan for a consolidated hearing (e .g ., whether any or all of the issues may be considered upon briefs, whether it may be desirable to proceed in stages to resolve one or more issues as prerequisite for the consideration of other issues, a schedule for filing any affidavits and exhibits for the consideration of the matters and for the filing of briefs, and, if a formal hearing is necessary, proposed dates for the filing of any prehearing motions, exhibits, and prehearing briefs, and for the hearing or hearings, as the case may be).

- 3. The ALJ ordered that to the extent that the parties are unable to agree they shall each prepare a proposed specification of issues and a plan for a consolidated hearing of these matters to be considered and determined a resumption of the prehearing conference.
- 4. The ALJ order states that upon the completion of a specification of issues and a plan for a consolidated hearing of these matters, as agreed or as proposed, the parties shall file such for the consideration of the Commission and its further order.
- 5. The ALJ order states that the prehearing conference shall be resumed upon the request of any party and scheduled to be held as soon as the parties can be heard.

No party has responded to the ALJ's Prehearing Order.

PLEASE TAKE NOTICE THAT the Commission intends to close this proceeding. Parties may file comments by May 4, 2007 identifying their reasons for continuing the proceeding.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Jon Mielke, Executive Secretary.

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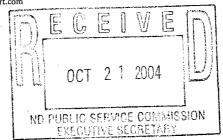
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October 20, 2004

Honorable Allen C. Hoberg Administrative Law Judge OFFICE OF ADMINISTRATIVE HEARINGS 1707 North 9th Street Bismarck, ND 58501-1882

## NDPSC CASE NO. PU-418-99-490, ET AL BEK COMMUNICATIONS COOPERATIVE

I am in receipt of the letter from Melissa Thompson on behalf of Qwest which is addressed to you and dated October 13, 2004.

I would also advise that the parties have engaged in discussions to try to resolve this matter. I am concerned that the Commission could construe the letter from Qwest to indicate there is a recognition by the Rural Telephone Company Group that there is a legal obligation to refund access charges. We do not recognize an obligation to do so and, obviously, that issue is being discussed as well.

Don Negaard

jt

cc: Melissa K. Thompson, Qwest Jim Howard, JSI David Crothers Pat Fahn, PSC William W. Binek, PSC Keith Larson

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Pages: 1

Letter to ALJ re that they are engaged in discussions with Qwest by Rural Telephone Company Group by Don Negaard



Qwest

1801 California Street, 10<sup>th</sup> Floor Denver, Colorado 80202 Phone 303 383 6643 Facsimile 303 296 3132 Melissa.Thompson@qwest.com

Melissa Thompson Senior Attorney

October 13, 2004

Allen C. Hoberg
Administrative Law Judge
Office of Administrative Hearings
State of North Dakota
1707 North 9th Street
Bismarck, North Dakota 58501-1882

OCT 18 2004

ND PUBLIC SERVICE COMMISSION
EXECUTIVE SECRETARY

Re: Case No. PU-418-999-490 et al -- BEK Communications Cooperative

Dear Judge Hoberg:

I am sending you this letter on behalf of Qwest Corporation to provide you with a status report in the above-referenced cases and to follow up your correspondence of last January.

Very recently, the parties have exchanged the data necessary for each of them, respectively, to evaluate settlement terms. Gathering and analyzing the relevant data concerning the telecommunications traffic at issue has taken considerable time. Qwest Corporation hopes to engage in meaningful settlement discussions with the parties in the near future. There is no need at this point in time to schedule additional conferences.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Thank you for your time and assistance with this case.

Sincerely,

Melissa K. Thompson

cc: Donald A. Negaard Scott Macintosh

Mel Kambeitz Tom Staebell

Pat Fahn

William W. Binek

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Pages: 1



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11 August 2000

Dan Kuntz Zuger Kirmis & Smith P.O. Box 1695 Bismarck, ND 58502 Mike Bosh Pringle & Herigstad, P.C. P.O. Box 1000 Minot, ND 58702

Re:

**Access Rates** 

Dear Mr. Kuntz and Mr. Bosh:

This letter is in response to your letters to me of May 22, 2000 and June 19, 2000 respectively. I apologize for the delay in responding.

Mr. Kuntz's letter identifies areas that U S WEST believes must be addressed by the Commission in its investigation of the access rates filed by the cooperative and small companies as a result of the stipulation in the complaint proceeding, Case No. PU-2096-99-241. For example, U S WEST asserts that the Commission investigation should not be limited to a review of whether the filed access rates are calculated correctly under the Commission's prior orders, but rather must examine the applicability of those orders to the filed rates. U S WEST asks the Commission to issue a Notice of Investigation establishing several issues identified by U S WEST, including the issue of the applicability of the prior orders, for investigation and hearing.

Mr. Bosh's response on behalf of the members of the Rural Telephone Company Group addresses many of the specific issues raised by U S WEST, and asserts that the objective of the Commission's investigation of the filed rates is to determine if the rates are cost based. Mr. Bosh asserts that any additional review of the rates, including any review of the applicability of prior mechanisms or formulas, should not be undertaken unless and until the North Dakota Legislature has had an opportunity to address access charge reform and universal service.

Each access filing is a separate case pending before the Commission and U S WEST is an intervenor in each case. As an intervenor, U S WEST is entitled to conduct discovery and file pleadings in any or all of the open cases. Each filing company may

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Pages: 2

Response to parties re Commission's investigation by Public Service Commission

08/11/2000

CC: Comm Legal PUD (3)

Mr. Kuntz and Mr. Bosh 11 August 2000 Page 2

respond to U S WEST's discovery requests and pleadings. Likewise, each company that filed access rates in response to the stipulation has the same discovery and filing rights relative to that company's docket, and U S WEST has the same right to respond. We expect that U S WEST and the filing companies will exercise these rights as they see fit.

The Commission's current investigation of the rates is limited in scope and resources. We are not at a point where scheduling a hearing is appropriate, nor would it be appropriate to close the cases at this time. We recognize the parties' concerns in this regard and we will provide prior notification of any intent to go to hearing or close the cases. In the meantime, the parties are free to conduct discovery and file pleadings as they deem necessary and appropriate. The commission will address any pleadings and discovery issues as the parties raise them.

If you have any further questions, please do not hesitate to call or write.

Best regards,

Illona A. Jeffcoat-Sa

Director

**Public Utilities Division** 



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#### TRANSMITTED VIA FAX AND MAIL

June 16, 2000

Illona A. Jeffcoat-Sacco Director, Public Utilities Division Public Service Commission 600 E. Boulevard Ave., Dept. 408 Bismarck, N.D. 58505-0480

# JUN 1 9 2000 ND PUBLIC SERVICE COMMISSION PUBLIC UTILITIES DIVISION

PU-2096-99-241

#### **INTRALATA ACCESS RATES**

Dear Ms. Jeffcoat-Sacco: And the professional dear and all the pro

As indicated previously, we are in receipt of Attorney Dan Kuntz's letter of May 19, 2000, on behalf of US West, to yourself. Please be advised that the RTCG members disagree that it is necessary, or that it would be appropriate, for the Commission to initiate a formal investigation and hearing into the propriety of the intraLATA rates filed by the RTCG members pursuant to the Stipulation of Dismissal in Case Number PU-2096-241 (hereinafter, the "Stipulation").

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US West complains that there is a "substantial disparity" between the new intraLATA access rates filed by the RTCG members, and the existing interLATA access rates. US West further indicates that this disparity is "discriminatory." However, as you properly indicated in your letter dated May 8, 2000 to Scott Macintosh and Jim Howard, the disparity between intraLATA and interLATA access rates is a direct result of the different formulas, policies and rules that the Commission mandated in 1986. In response to this fact, US West boldly asserts that the RTCG members should have <u>ignored</u> the Commission's prior orders by filing new interLATA access rates that were inconsistent with the requirements and rules contained within Case Nos. 10,044; 10,694; and 10,699. As you know, such a course of action by the RTCG companies would have been highly improper, in light of the implicit ratification of these rules by the North Dakota Legislature.

One thing must be made clear from the outset: the RTCG members do <u>not</u> disagree with US West's assertion that it would be appropriate at some point to re-analyze the formulas.

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06/19/2000 Rural Telephone Company Group Additional comments

policies, and rules established by the Commission in 1986 for the calculation of interLATA access rates. However, the RTCG members strongly disagree with the assertion that it was the burden of the RTCG members to unilaterally undertake this wide-sweeping rate reform before filing new intraLATA rates pursuant as allowed and required by the Stipulation.

US West consistently ignores the fact that the Stipulation was derived from an intraLATA case that had no connection to interLATA rates, and that did not involve interLATA carriers. The revision of the present regulatory scheme for the computation of interLATA access rates was never discussed by the parties or the Commission staff, was not contemplated by the RTCG members, and was not provided for in the Stipulation. Rather, section 6 of the Stipulation (allowing the RTCG members to file new intraLATA access rates) was put into place in order to guarantee that the transition to intraLATA dialing parity, and US West's withdrawal from the market as the dominant carrier, would be revenue neutral to the RTCG members by giving the RTCG members the opportunity to adjust their access rates to reflect their current costs.

RTCG members that previous settled with U S West on a true-up basis filed new intraLATA rates that correspond directly to each RTCG member's cost of providing intraLATA service. Currently, the Commission is analyzing BEK's filings (chosen as a random sample) to confirm that the newly filed intraLATA rates are indeed based upon BEK's cost of providing intraLATA service. The Commission has further indicated that it may review the rates filed by other RTCG members. If, after it completes its review, the Commission determines that the new intraLATA access rates filed by the RTCG members are proper, then the Commission should approve the new rates as provided in section 6 of the Stipulation. If, on the other hand, the Commission determines that any RTCG member's new intraLATA rates are inappropriate based upon that company's cost of providing intraLATA service, then section 6 of the Stipulation provides that the difference between the filed rates and the "approved" rates will be refunded.

US West relies upon the clause in section 6 of the Stipulation stating that the "revised charges will reflect access charges appropriate for use when intraLATA toll dialing parity is implemented." The reliance by US West on this clause in the Stipulation implies that US West believes that the federal rules for dialing parity require parity in access rates between the jurisdictions. It is true that the FCC Orders relating to dialing parity (FCC 96-333 and 99-54) require all LECs to provide competing providers of telephone exchange service and toll service with "nondiscriminatory access." However, this means nondiscrimination between and among carriers in rates, terms and conditions of access within the jurisdiction that the dialing parity is offered. The FCC orders do not state or even imply that there has to be parity in rates between jurisdictions where dialing parity exists.

If that were the case, then all jurisdictions would have to have the same access rates (interstate interLATA, intrastate interLATA, intrastate intraLATA).

The newly filed intraLATA rates filed by the RTCG members are in no way "discriminatory," as alleged by US West. First, all intraLATA carriers are paying the same newly filed intraLATA access rates. Additionally, to our knowledge, no other company (including those paying both intraLATA and interLATA access rates) has complained about the "disparity" between the two rates. Second, in previous intraLATA dialing parity conversions by other ILECs (e.g., SRT Communications, Inc. (then known as Minot Telephone Company), Souris River Telecommunications Cooperative, Red River Rural Telephone Association, and Midstate Telephone Company) the Commission did not mandate that there had to be parity between their intrastate intraLATA and interLATA rates. In fact, neither US West nor any carrier that provided toll service within and between the LATAs filed any complaints with the Commission that the intraLATA rates of these companies were "discriminatory." Third, the Commission's present review will ensure that the new intraLATA rates are directly related only to the cost of providing intraLATA service. This will ensure that intraLATA carriers are not paying access rates that compensate the RTCG members for more than the provision of intraLATA service.

US West further complains that certain RTCG members were precluded by contract from filing new intraLATA access rates that exceeded \$0.067 per access minute. During the hearings in Case Number PU-2096-241, these particular RTCG members had expressed their concern (in both pre-filed and direct testimony) that US West's withdrawal as the Dominant intraLATA carrier would result in the loss of the 2.3 cent surcharge per their contracts with US West. In light of this fact, section 6 was added to the Stipulation to allow these companies to recover this loss by filing revised access rates that would ensure that these RTCG members were paid access rates that were directly related to their cost of providing intraLATA service. Without this provision in the Stipulation, there was no reason for these RTCG members to stipulate to the withdrawal of US West as the Dominant intraLATA carrier in August 1999. Furthermore, the Stipulation lists all of the individual companies that were members of the RTCG, including the companies that were formed as the result of acquiring various US West exchanges. The Stipulation provides that it is an agreement between US West and each member of the RTCG. In the Stipulation, US West specifically agreed that the RTCG members (including the acquisition companies) could file revised intraLATA access rates that would become effective on the date of conversion. It is disingenuous for US West to now claim that it should not have to pay the newly filed cost-based access rates that it agreed could be filed. Simply put, the contracts referenced by US West were superseded by the Stipulation, and do not impact the newly filed access rates.

As indicated previously, the RTCG members are willing to participate in proceedings with the Commission and with the interLATA and intraLATA carriers to revise and update the current regulatory framework for determining intrastate access rates. However, it would not be appropriate to undertake such a lengthy and costly proceeding until the North Dakota Legislature finishes its consideration of access charge reform and of a state universal service funding mechanism. The current system of reliance on access revenues to support universal service has been extended through the 2001 legislative session. See N.D.C.C. § 49-21-06 (as amended by Senate Bill 2234). In the meantime, the Regulatory Reform Review Commission has been assigned the responsibility to study universal service issues and to report to the 2001 legislative assembly. See N.D.C.C. § 49-21-22.1 (as amended by 1999 House Bill 1050).

The RTCG members propose that new intrastate access rates (both interLATA and intraLATA) be filed after the Legislature has analyzed and considered access charge reform and has implemented a state universal service funding mechanism. Hopefully, this will be completed by July 2001. This timetable will not cause any unreasonable burden on the intraLATA carriers, since the Commission's present review will guarantee that the newly filed intraLATA rates are indeed revenue-neutral to the RTCG members within the current framework of providing intraLATA service. In the interim, the RTCG members, the interLATA and intraLATA carriers, and the Commission staff can begin working together to revise the current framework mandated by the Commission for the computation of interLATA and intraLATA access rates.

It is not necessary or appropriate for the Commission to initiate a formal investigation and hearing into the propriety of the intraLATA rates filed by the RTCG members pursuant to the Stipulation, as informally requested by US West. Rather, the Commission should continue with its current review of the newly filed intraLATA access rates to ensure that the new rates are appropriate in light of each RTCG member's cost of providing intraLATA service.

Thank you for the consideration of these comments. If you have any questions, or require anything further, please let me know.

Sincerely,

Michael A. Bosh

Pringle & Herigstad, P.C.

cc: Daniel S. Kuntz (via fax and mail)
Jim Howard - John Staurulakis, Inc.

David Crothers - North Dakota Association of Telephone Cooperatives Ann Faught, Manager - Absaraka Co-operative Telephone Company Jerome Tishmack, Manager - BEK Communications Cooperative and BEK Communications I, Inc.

L. Dan Wilhelmson, Manager - Consolidated Telcom

Robert A. Hill, Manager - Dakota Central Telecommunications Cooperative and Dakota Central Telecom I, Inc.

Darren D. Moser, Manager - Dickey Rural Telephone Cooperative and Dickey Rural Communications, Inc.

Keith Andersen, Manager - Inter-Community Telephone Company and Inter-Community Telephone Co. II

Dave Dircks, Manager - North Dakota Telephone Company Kenneth Lund, Jr., Manager - Northwest Communications Cooperative

David L. Dunning, Manager - Polar Communications Mutual Aid Corporation and Polar Telecommunications, Inc.

Gene D. Sloan, Manager - Reservation Telephone Cooperative Kenneth Carlson, Manager - United Telephone Mutual Aid Corporation and Turtle Mountain Communications, Inc.

Albert R. Grosz, Manager - West River Telecommunications Cooperative



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May 30, 2000

Illona A. Jeffcoat-Sacco Director, Public Utilities Division Public Service Commission 600 E. Boulevard Ave., Dept. 408 Bismarck, ND 58505-0480



**INTRASTATE ACCESS RATES** 

Dear Ms. Jeffcoat-Sacco:

As you know, this law firm represents the Rural Telephone Company Group. We are in receipt of the letter dated May 19, 2000, to yourself from attorney Daniel S. Kuntz on behalf of US West. Before the Commission takes any formal or informal action on Mr. Kuntz's letter, we would request the opportunity to respond to his assertions. I would anticipate having our response to Mr. Kuntz's letter to you no later than June 16, 2000.

If you have any questions, please feel free to give me a call.

Sincerely,

Michael A. Bosh

(Pringle & Herigstad, P.C.

jb

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Pages: 1

05/31/2000

Rural Telephone Company Group
Request to respond to US WEST's 5/19/200

assertions (et al)

CC: Comm Legal PUD (3)

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May 19, 2000

Ms. Illona Jeffcoat-Sacco Director, Public Utilities Division ND Public Service Commission 600 East Boulevard Avenue Department 408 Bismarck, ND 58505-0480

Re: Intrastate Access Rates

Dear Ms. Jeffcoat-Sacco:



U S WEST received your letter of May 8, 2000 regarding the Commission's review of the intrastate access rates filed by the RTCG members in response to the Stipulation of Dismissal of the complaint in case No. PU-2096-99-241. As you noted, the Stipulation required the RTCG member companies to file revised access charges which "will reflect access charges appropriate for use when intraLATA toll dialing parity is implemented." The Stipulation further provided that the RTCG companies would bear the burden of proof on these filings which necessarily requires proof that the revised access charges are appropriate for use when intraLATA toll dialing parity is implemented.

U S WEST's initial review of the revised access charges filed for the RTCG companies indicates substantial disparity between the intraLATA and interLATA access charges of the RTCG companies. There is no justification for this type of disparity with the implementation of toll dialing parity. The RTCG companies correctly state this disparity between intraLATA and interLATA rates has existed since 1986 based upon different formulas and policies adopted by the Commission in case No. 10,044; 10,694 and 10,699. In particular, the disparity resulted in part from the Commission's Order in Case No. 10,694 which was issued in response to an industry study committee report on access charges. The committee report recommended that intraLATA access charges should mirror each local exchange company's intrastate interLATA access charges. The Commission agreed:

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05/22/2000 U S WEST Communications

Response to Commission's 5-8-00 letter re Comm review of intrastate access rates CC: Comm Legal PUD (3) Ms. Illona Jeffcoat-Sacco May 19, 2000 Page 2

We, therefore, adopt the study committee's recommendation and direct the implementation of intraLATA access charges equal to the local exchange company's interLATA access charges effective January 1, 1986, or as soon thereafter as they can be implemented.

PSC Order in Case No. 10,694, p. 31.

The Commission also adopted the study committee's recommendation to reduce the level of non-traffic sensitive ("NTS") contribution from access charges. It was determined that NTS contribution would be reduced by 15 cents per access line per month for both the interLATA and intraLATA access charges. The Commission, however, also reduced the interLATA NTS contribution level an additional 60 cents per access line per month to be retained by AT&T to improve its intrastate earnings level. Because AT&T only provided interLATA toll service at that time, the net result was that 75 cents of the exchange rate adjustment went to reduce NTS contribution from interLATA rates while only 15 cents per access line was used to reduce intraLATA NTS contribution. In addition, because U S WEST was assigned the role of designated carrier, it was also required to pay an access adjustment rate ("AAR") to recover any intraLATA revenue shortfall experienced by the independent local exchange companies. This AAR mechanism was specifically adopted only as a "transition" from intraLATA settlements to intraLATA access charges for a 2-year interim period. PSC Order in Case No. 10,694, p. 34, 35 and Memorandum of Understanding of April 11, 1985.

The Commission's premise in adopting the AAR as well as the disparate treatment of intraLATA and interLATA NTS support was U S WEST's (then Northwestern Bell) role as the only intraLATA carrier. Accordingly, the competitive effects between carriers of the Commission Order were not a concern. In addition, Northwestern Bell was subject to rate of return regulation by which its rates could be adjusted to recover the cost of access paid to the local exchange companies. No portion of that premise existed after implementation of intraLATA dialing parity. Accordingly, access charges which continue to require differing levels of NTS contribution by intraLATA and interLATA carriers and which continue to incorporate the assessment of a surrogate AAR in the form of higher access carriers to recover a higher level of NTS contribution from intraLATA access carriers are inappropriate after the implementation of dialing parity.

In reviewing the appropriateness of the RTCG companies' access charges, the Commission cannot limit its review to whether or not the access charges were calculated based upon prior orders of the Commission but rather must examine the underlying premise of those orders to see if they are consistent with intraLATA toll dialing parity. A lesser review is inconsistent with the Stipulation of Dismissal. Indeed, to properly establish nondiscriminatory access charges after the implementation of dialing parity, the Commission should return to its original position and order that intraLATA and interLATA access charges reflect a difference between interLATA and intraLATA charges, the RTCG members bear the

Ms. Illona Jeffcoat-Sacco May 19, 2000 Page 3

burden of proof to justify that the difference is appropriate with the implementation of intraLATA toll dialing parity. They cannot simply rely upon prior orders of the Commission that were based upon a different environment.

Other issues arising from the Commission's earlier orders must also be examined in connection with the proposed access charges. In Case No. 10,694, the Commission stated that as the FCC High Cost Fund Rules are revised, intraLATA toll revenue requirements should be analyzed to prevent double recovery of costs. The Commission also allowed "average" cost companies to calculate their NTS and subscriber line usage factors on an "average" basis. In the Fourth and Fifth Supplemental Orders in Case Nos. 10,694 and 10,699, the Commission established and froze DEM (Dia! Equipment Minutes) "weighting" factors for Category 3 office equipment for each company. Each of these issues should be examined to determine if they are appropriate for calculation of access charges in a dialing parity environment.

A significant issue also exists regarding the access charges for exchanges purchased from U S WEST in 1996. As part of the agreement for the purchase and sale of those exchanges, U S WEST and each of the buyers agreed that for a period of five years after the closing date, the buyer "shall establish an intrastate tariff or contracts, where applicable, with intrastate switched access rates equal to or no greater than \$.067 per access minute for switched access service in the purchased Exchanges . . . . " The Stipulation of Dismissal in this proceeding does not amend or release the buyers from their contractual obligations to establish switched access rates no greater than \$.067 per access minute.

The issues set forth above must be addressed in this proceeding for the Commission to review and approve the revised access charges in accordance with the Stipulation of Dismissal. U S WEST appreciates the Commission's limited resources to address these issues in the context of the filings by all the RTCG companies; however, it is not the Commission's burden to offer the evidence and analysis on each of these issues. That burden belongs to the RTCG companies. In addition, U S WEST is prepared to offer evidence and analysis on each of these issues. Accordingly, U S WEST requests the Commission to issue a Notice of Investigation establishing the above items as issues to be considered in an investigation and hearing.

Thank you for your cooperation and assistance. If you have any questions, please feel free to contact me.

Sincerely,

Daniel S. Kuntz

Ms. Illona Jeffcoat-Sacco May 19, 2000 Page 4

c: Scott Macintosh
John Munn
RTCG member companies
Dave Crothers
John Coleman
Jim Howard
Mike Bosh

P:\DKUNTZ\9811 U S WEST Indep Access\l-js.wpd



## Public Service Commission State of North Dakota

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8 May 2000

Executive Secretary Jon H. Mielke

Bruce Hagen President Susan E. Wefald

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Vice President Business Services
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Eagandale Corporate Center, Suite 310
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Eagan, MN 55121

RE: Intrastate Access Rates

Dear Mr. Macintosh and Mr. Howard:

On May 5, 1999, a Complaint against U S WEST Communications, Inc. was filed by several member companies of the Rural Telephone Company Group (RTCG) concerning U S WEST's notice of discontinuance as a provider of intraLATA long distance service within the local exchanges of the members of the RTCG. On July 4, 1999, U S WEST Communications, Inc. and the RTCG filed a Stipulation for Dismissal of the complaint and on July 16, 1999, the Commission dismissed the complaint (Case No. PU-2096-99-241).

The Stipulation for Dismissal included a provision stating: "RTCG member companies will file revised access charges with the Commission to be effective on the date of change of designated carrier. These revised access charges, filed by both price cap and rate of return companies, will be interim charges subject to review and approval by the Commission. These revised charges will reflect access charges appropriate for use when intraLATA toll dialing parity is implemented. A price cap company filing access charges will make the filing as a complaint under N.D.C.C. section 49-21-06. Both price cap and rate of return RTCG companies bear the burden of proof on these filings."

Commission staff completed a preliminary assessment of these filings and discussed the results with the Commission on February 9, 2000. On February 16, 2000, the Commission sent a letter to all companies that filed revised access rates stating that the Commission had directed staff to begin a review of the access filings by choosing a sample filing. The BEK companies were chosen as the sample for the review.

PU-405-00-104

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05/08/2000 Public Service Commission Access response On March 16, 2000, the Commission received a letter from U S WEST Communications, Inc. stating its belief that, along with the access charge filings, each company was to submit complete justification for the revised access prices and the Commission was to complete a review of the justification in a timely manner to determine if the rates are appropriate. U S WEST indicates that the intraLATA access rates filed by the RTCG companies are different from interLATA access rates and are discriminatory because the difference in rates is not cost justified. U S WEST requests that the Commission require the RTCG companies to submit complete justification for the revised access rates and that the Commission complete a review of the justification in a timely manner.

A March 21, 2000, letter from Jim Howard of John Staurulakis Incorporated on behalf of the RTCG members responds to the U S WEST allegations. The RTCG states that the total of the intraLATA access charge price elements are based on the total intrastate intraLATA revenue requirement and are indeed cost based. The RTCG states that the difference between intrastate intraLATA and interLATA rates has existed since 1986. The RTCG agrees that the intraLATA access rates are interim and subject to refund. The RTCG also states that nothing in the Stipulation for Dismissal places any timetables to the Commission review of the revised access charges.

On April 4, 2000, BEK Communications and BEK Communications I filed additional workpapers in support of its intraLATA access rates. Similar supplemental workpapers have not been filed by the other member companies of the RTCG.

Staff is continuing to investigate as directed by the Commission and resources permit. We believe the Stipulation for Dismissal places no timetable on our review of these access rates. In addition, our review is likely to cover only a sampling of the filings because of the limited resources available to the Commission. We also agree with the RTCG that intraLATA access rates and interLATA access rates have been dissimilar since 1986, and are actually calculated using different formulas and policies established by Commission orders in Cases 10,444, 10,694 and 10,699.

We do not believe that the review contemplated by the Commission will answer the concerns expressed by U S WEST. Our review could eventually determine whether the RTCG companies have calculated access revenue requirements in accordance with the rules established by the Commission in the proceedings mentioned above. The review will not specifically address or answer U S WEST's question about price discrimination, except insofar as the review leads to a conclusion about the cost justification for the prices. In addition, our review will not be completed in a short timeframe without additional resources.

Scott Macintosh and Jim Howard 8 May 2000 Page 3

As an intervenor (granted by the Commission at its April 12, 2000 regular meeting) U S WEST has the opportunity to conduct discovery if it so desires. Additionally, North Dakota statute provides for a complaint process regarding the reasonableness, fairness, or adequacy of any price for any essential or nonessential service.

Thank you for your continued cooperation and assistance in this review. We encourage and appreciate your interest and help in this investigation of intraLATA access rates. If you have any questions, or we can be of any assistance to you, please do not hesitate to call or write.

Best regards,

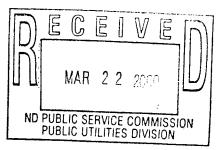
Illona Jeffcoat-Sacco

Director, Public Utilities Division

c: RTCG Member Companies
Dave Crothers, NDATC
John Coleman, Olson-Thielen & Co.
JSI, Maryland
Dan Kuntz
Mike Bosh



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March 21, 2000

Ms. Illona Jeffcoat-Sacco North Dakota Public Service Commission 600 East Boulevard Bismarck, ND 58505-0480

Dear Ms. Jeffcoat-Sacco:

This letter is in response to U.S. West's Mr. Scott Macintosh's letter of March 15, 2000. The letter inquired as to the status of the Commission's review of the Rural Telephone Company Group (RTCG) companies Intralata Access filings resulting from the Commission's order in PU-2096-99-241. In addition, the letter implied that the RTCG companies did not file cost based rates as agreed to in the Stipulation for Dismissal.

It is true that members of the RTCG and some of their consultants met with U.S. West to discuss the status of some of the items from the stipulated agreement that were to be negotiated by January 1, 2000. However, the RTCG companies take exception to various statements made by Mr. Macintosh. If Mr. Macintosh is going to make statements that imply that the RTCG companies improperly filed their access rates in this case, he should at least get his facts straight. At no time did we say that the Intralata Access Rates filed in PU-2096-99-241, "were nothing more than the old Intrastate rates with the addition of some arbitrary revenue requirement designed to make up the loss of the Access Adjustment Rate (AAR)." At no time did we say that the filings were not cost based.

It was apparent during the Intralata Toll Complaint case and in the negotiation of the Stipulation for Dismissal that U.S. West did not have a complete understanding and knowledge of the AAR rate element, the true-up process, and the differences between the Intrastate Interlata and Intralata Access rates. The RTCG group has tried on numerous occasions to educate various U.S. West employees on the history, development of, and application of the AAR rate element. Apparently, we have had no success. U.S. West was informed that it is irrelevant whether the RTCG companies have an AAR element or not, because the total of the Access charges are still based on the total Intrastate Intralata revenue requirement.

The RTCG members have attempted to inform U.S. West that when the rate element known as AAR goes away because of the current filings, the associated revenue requirement would not.

HEADQUARTERS:

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Pages: 2

03/22/2000
Rural Telephone Company Group
Response to US WEST's letter of March 15,
2000
CC: Comm Legal PUD (3)

The previous rates for Transport and Switching mirrored the 1984 U.S. West Intrastate Interlata rates and the Carrier Common rate was based on a 1984 Subscriber Line Usage (SLU) factor and not the North Dakota accepted cost separations modified frozen Subscriber Plant Factor (SPF). The AAR element was developed to make up the difference between the revenue requirement for Transport, Switching, and Carrier Common and the revenues generated by the Access rates for these elements.

The Intralata Access filings that the regulated RTCG members filed to be effective 8/23/99 were indeed cost based. The studies supporting these filing were filed with the Commission. The new Intralata Access rates were developed by basically dividing each elements requirement by the appropriate billing units (i.e., minutes, minute/miles, etc.).

As far as the difference between the Intrastate Intralata and Interlata rates, this difference has existed since 1986. Is U.S. West trying to make the Commission believe it was not aware of this difference before? Nothing in the stipulation says that we were to file revised Intrastate Access rates that would apply to both jurisdictions. This was a case relating to only the Intralata jurisdiction. The Interlata IXCs were not parties to the case or involved with the stipulation. The stipulation allowed for the filing of only new Intralata rates to be effective on 8/23/99.

The stipulation is very clear as to the Commission's review of the new Intralata rates. The order states, "The revised Access charges will be interim charges subject to review and approval by the Commission." The difference, if any, between the approved rates and the interim rates is subject to refund. We are very aware that the Commission staff has been and is still in the process of reviewing the filings. Nothing in the Order places any timetables to such a review.

There is no doubt U.S. West has the right to inquire of the Commission as to whether the RTCG companies filed rates that were supported by appropriate cost detail and when the Commission would review said filings. However, it is unfortunate they did not take the time to comprehend and understand the facts of the case before they implied that parts of the stipulations were not adhered to by the RTCG members.

On behalf of the RTCG Members

James E. Howard, Jr.

Vice President Business Services

Jhoward@jsitel.com

JEH:bw

cc: RTCG Member Companies

Scott Macintosh, U.S. West Communications

Dave Crothers, NDATC

John Coleman, Olson-Thielen & Co.

JSI, Maryland



Scott A. Macintosh Director-Regulatory Affairs

March 15, 2000

Illona Jeffcoat-Sacco North Dakota PSC 600 E. Boulevard Bismarck, ND 58505-0480 MAR 1 6 2000

ND PUBLIC SERVICE COMMISSION PUBLIC UTILITIES DIVISION

Dear Ms. Jeffcoat-Sacco:

On July 16, 1999, the Commission issued an Order in PU-2096-99-241, Rural Telephone Company Group vs. U S WEST, IntraLATA Toll Complaint. The Commission's Order included the acceptance of a Stipulation for Dismissal that had been negotiated by the Parties. Section 6 of the Stipulation stated that the RTCG (Rural Telephone Company Group) member companies would file revised intrastate switched access charge rates that were "appropriate for use when intraLATA toll dialing parity is implemented". This section goes on to say that the revised rates will be effective with the date of change of designated carrier, that they will be considered to be "interim" subject to Commission review, and that the "RTCG companies bear the burden of proof on these filings".

Subsequent to this order many RTCG companies filed to raise some intrastate access rates. U S WEST is currently being billed under these interim rate plans. In recent conversations with members of the RTCG and their consultant U S WEST now learns that these "interim rates" are nothing more than the old intrastate rates with the addition of some arbitrary revenue requirement designed to make up for the loss of the access adjustment rate (AAR).

When U S WEST agreed to this part of the stipulation it was with the understanding that the RTCG companies would present the Commission with justification for any price changes and that the Commission would review the justification to determine if these new rates were indeed "appropriate". Nearly eight months have passed since the Order, but to date neither has been done.

What the RTCG companies have done is to establish a third type of access. In our conversations they described the basis for the three types to be NECA rates for interstate calls, their old intrastate rates (based on U S WEST 1984 rates) for intrastate interLATA calls, and the old intrastate rates plus AAR for intrastate intraLATA calls. This results in a rate for intrastate intraLATA calls that is discriminatory because the difference in rates is not cost justified. There is no more expense to the RTCG company to terminate an intrastate call that originates within the LATA than there is to terminate an intrastate call that originates outside the LATA.



PU-405-00-104

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03/16/2000

U S WEST Communications

Request to require RTCG to submit justification & Comm\_review in timely manner

U S WEST requests that the Commission (1) require the RTCG companies to submit complete justification for the access rate increases, and (2) complete a review of the justification in a timely manner to determine if the rates are appropriate, as we expected would be done when we agreed to the stipulation. We look forward to your reply.

Sincerely,

Scott A. Macintosh

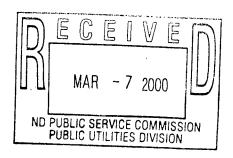
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Box 27 Absaraka, ND 58002

Ann Faught PO Box 27 Absaraka, ND 58002 Telephone 701 896-3404 Fax 701 896-3404

March 3, 2000

Mr. Jon Mielke, Executive Secretary North Dakota Public Service Commission State Capitol, 12th Floor 600 East Boulevard Bismarck, ND 58505-0480



Dear Mr. Mielke:

Absaraka Cooperative Telephone Co., Inc., as an average schedule company, does not plan on filing revised switched access rates due to the recent intraLATA dial parity cases.

Sincerely,

Ann Faught

General Manager

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Absaraka Cooperative Telephone Co., Inc.